

House File 124 - Introduced

HOUSE FILE _____
BY STRUYK, WINDSCHITL, LUKAN,
PETTENGILL, SCHULTZ, ALONS,
HELLAND, DRAKE, RAYHONS,
and HORBACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting local legislation that prevents local
2 government officials or employees from cooperating with
3 federal officials with regard to the immigration status of
4 persons within the state.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1497YH 83
7 md/rj/8

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1 1 Section 1. Section 331.301, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 17. The internal rules of a county office
1 4 or department shall not prohibit a county sheriff or deputy
1 5 sheriff, county official, or county employee from
1 6 communicating or cooperating with federal officials with
1 7 regard to the immigration status of any person within the
1 8 state.
1 9 Sec. 2. Section 331.303, Code 2009, is amended to read as
1 10 follows:
1 11 331.303 GENERAL DUTIES AND LIMITATIONS OF THE BOARD.
1 12 1. The board shall:
1 13 ~~1.~~ a. Keep record books as follows:
1 14 ~~a.~~ (1) A "minute book" which records all orders and
1 15 decisions other than those relating to drainage districts.
1 16 The minute book or a separate index book must contain an
1 17 alphabetical index by subject matter categories of the
1 18 proceedings shown by the minutes.
1 19 ~~b.~~ (2) A "warrant book" which records each warrant drawn
1 20 in the order of issuance by number, date, amount, and name of
1 21 drawee, and refers to the order in the minute book authorizing
1 22 its drawing. The board may authorize the auditor to issue
1 23 checks in lieu of warrants. If the issuance of checks is
1 24 authorized, the word "check" shall be substituted for the word
1 25 "warrant" in those sections of this chapter and chapters 6B,
1 26 11, 35B, 336, 349, 350, 427B, and 468 in which the issuance of
1 27 a check is authorized in lieu of a warrant.
1 28 ~~c.~~ (3) A "claim register" which records all claims for
1 29 money filed against the county. Claims shall be numbered
1 30 consecutively in order of filing and entered alphabetically by
1 31 the claimant's name. The claim register shall show the date
1 32 of filing, the number of the claim and its general nature, and
1 33 the action of the board on the claim including the fund
1 34 against which it is allowed if it is allowed. The claims
1 35 allowed at each meeting shall be listed in the minute book by
2 1 claim number.
2 2 ~~2.~~ b. Maintain its records in accordance with chapter 22.
2 3 ~~3.~~ c. Act upon applications for cigarette tax permits in
2 4 accordance with chapter 453A.
2 5 ~~4.~~ d. Act upon applications for liquor control licenses
2 6 and retail beer permits in accordance with section 123.32.
2 7 ~~5.~~ e. Select official newspapers and cause official
2 8 publications to be made in accordance with chapters 349 and
2 9 618.
2 10 ~~6.~~ f. Adopt rules relating to the labor of prisoners in
2 11 the county jail in accordance with sections 356.16 to 356.19,
2 12 and may establish the cost of board and provide for the
2 13 transportation of certain prisoners in accordance with section
2 14 356.30.
2 15 ~~7.~~ g. Divide the county into townships, and proceed upon

2 16 a petition to divide, dissolve or change the name of a
2 17 township in accordance with chapter 359.
2 18 ~~8- h.~~ Approve the written investment policy for the
2 19 county required under section 12B.10B.
2 20 ~~9- i.~~ Cause on-site inspections of pipeline construction
2 21 projects as required in section 479.29, subsection 2, and the
2 22 board may petition for rules as provided in that section.
2 23 ~~10- j.~~ Defend, save harmless, and indemnify its officers,
2 24 employees, and agents against tort claims, and may settle the
2 25 claims, in accordance with sections 670.8 and 670.9.
2 26 ~~11- k.~~ Perform other duties as required by law.
2 27 2. The board shall not adopt or enforce county legislation
2 28 prohibiting a county sheriff or deputy sheriff, county
2 29 official, or county employee from communicating or cooperating
2 30 with federal officials with regard to the immigration status
2 31 of any person within the state. Members of the board who vote
2 32 to approve such county legislation may be personally liable
2 33 under section 670.12 for damages resulting from enforcement of
2 34 the county legislation.

2 35 Sec. 3. Section 364.3, Code 2009, is amended by adding the
3 1 following new subsection:
3 2 NEW SUBSECTION. 10. a. A city shall not adopt or enforce
3 3 an ordinance prohibiting a city peace officer, city official,
3 4 or city employee from communicating or cooperating with
3 5 federal officials with regard to the immigration status of any
3 6 person within the state. City council members who vote to
3 7 approve such an ordinance may be personally liable under
3 8 section 670.12 for damages resulting from enforcement of the
3 9 ordinance.
3 10 b. The internal rules of a city office or department shall
3 11 not prohibit a city peace officer, city official, or city
3 12 employee from communicating or cooperating with federal
3 13 officials with regard to the immigration status of any person
3 14 within the state.

3 15 Sec. 4. Section 670.12, Code 2009, is amended to read as
3 16 follows:

3 17 670.12 OFFICERS AND EMPLOYEES == PERSONAL LIABILITY.

3 18 All officers and employees of municipalities are not
3 19 personally liable for claims which are exempted under section
3 20 670.4, except claims for punitive damages, claims for damages
3 21 pursuant to section 331.303, subsection 2, or section 364.3,
3 22 subsection 10, and actions permitted under section 85.20. An
3 23 officer or employee of a municipality is not liable for
3 24 punitive damages as a result of acts in the performance of a
3 25 duty, unless actual malice or willful, wanton and reckless
3 26 misconduct is proven.

3 27 EXPLANATION

3 28 This bill prohibits counties and cities from enacting local
3 29 legislation or ordinances that prevent peace officers, local
3 30 officials, or local employees from communicating or
3 31 cooperating with federal officials with regard to the
3 32 immigration status of any person within the state. The bill
3 33 also prohibits city and county offices and departments from
3 34 promulgating internal rules that prevent officers, officials,
3 35 and employees from communicating or cooperating with federal
4 1 officials with regard to the immigration status of any person
4 2 within the state.

4 3 The bill provides that a member of the governing body of a
4 4 county or city may be liable for damages resulting from the
4 5 enactment of such local legislation or ordinance if the member
4 6 voted to approve the measure.

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